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REMARKS

Upon entry of the amendments herein, claims 1-37 remain pending in the application. Claims 1, 2, 6-12, 15-17, 21, 23, 28, 30 and 32 have been amended. No new matter has been introduced by any of these amendments.

The Examiner has indicated that the application is deficient with respect to the certified copies of certain priority documents. As indicated to the Examiner in the January 6, 2004 telephone discussion between the Examiner and Applicants' agent, the prosecution history of the parent application is not presently available to Applicants' agent. However, as a follow-up to the discussion, it is pointed out to the Examiner that on the front page of U.S. Patent No. 6,117,165, the patent that issued from the parent of the instant application, it can be seen that the priority claim to European application No. 97201799.0 has been granted; it must be assumed on this basis that a certified copy of this priority document is a part of the file wrapper of said parent application. Accordingly, no certified copy need be provided in the instant application. Applicants will attend in due course to obtaining a certified copy of the second priority document relied on in the instant application.

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The Examiner has made several objections to the specification for what appear to be inadvertent errors. With respect to the Examiner's concern about the cross-reference to related applications, Applicants wish to point out that the present word "continuation" is the correct one. The application in question, Serial No. 09/511,481, was incorrectly labeled a divisional when it was filed, and the correction is being made in that application, as well as in copending, related application Serial No. 10/014,705. Amendments have been made to the other instant specification passages cited by the Examiner.

The Examiner has raised a number of objections to the specification as failing to provide proper antecedent basis for the claimed subject matter. The specification has been amended in the appropriate places in response to the objections with respect to claims 2 and 25. On the other hand, the objections with respect to claims 7, 16 and 17 have been addressed by amendment of the claims. In response to the objection with respect to claim 21, both the claim and the specification have been amended to put them in accord with each other.

With respect to the Examiner's objection to claim 17 (objection d)), Applicants note that if the expanded radius is 3 to 6 times the crimped radius, then so too would the expanded diameter be 3 to 6 times the crimped diameter; the difference

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between "radius" and "diameter" has no effect on the invention as recited in claim 17. Nonetheless, the claim has been amended to recite the term used in the specification.

A number of the claims have been objected to because of inadvertent errors. The claims have been amended in response to all of these objections.

A number of the claims have been rejected under 35 U.S.C. §112, second paragraph as being indefinite; these rejections were made primarily on the grounds of insufficient antecedent basis for certain language in the rejected claims. Again, the claims have been amended in response to all of the rejections made by the Examiner.

Claims 17, 18, 21 and 22 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,264,689 to Colgan et al. The Examiner asserts that Colgan Figure 2A depicts the features of the stent of instant claim 17 with respect to the cylindrical main body and the helical segments and that other Colgan disclosure reads on the feature of the ratio of expanded to crimped radius. Applicants disagree with this assessment.

It can be seen from an examination of Colgan Figure 2A that the Colgan stent is like a chain-link fence in the form of a

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tube. It consists of a single piece of woven wire; the places where the helices cross each other are formed by weaving of the wiring rather than connection by struts cut from a solid tube. The instantly claimed stents are made up of connective undulations cut from a solid tube. Thus, the Colgan stent as illustrated in Figure 2A does not disclose the elements of the stent of instant claim 17.

Applicants note that the Examiner has recited Colgan Figures 8A to 8D as depicting the further limitations recited in instant claim 18. However, Applicants wish to point out a more telling feature of the Colgan stents that is depicted by Figure 8, particularly in the comparison of Figures 8A and 8C. One can see from these figures that, upon release of the constricting sheath from the self-expanding Colgan stent, the stent undergoes considerable expansion in a radial direction, accompanied by considerable foreshortening along the length of the stent. This is a phenomenon that cannot be avoided because of the limitations of the Colgan stent. The instant stents, on the other hand, are designed and produced in such a way that they undergo virtually no foreshortening upon deployment.

In the interest of expediting prosecution of the application, Applicants have introduced by amendment herein this feature of the stent of instant claim 17. This amendment makes

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even clearer the patentable distinction between the stent of instant claim 17 and that disclosed by Colgan. In view of the ineffectiveness of the Colgan reference as a bar to patentability of independent claim 17, rejected claims 18, 21 and 22, all dependent from claim 17, are also patentably distinct and are allowable. Similarly, the objection to claims 19 and 20 as being dependent on a rejected base claim should also be withdrawn.

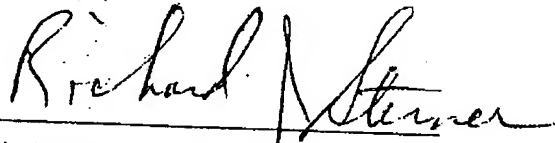
The Examiner has already indicated that claims 1, 12-14, 16, 23-29 and 32-37 are allowable. The amendments herein render moot the objections to and rejections of claims 2-11, 15, 30 and 31. Furthermore, claim 17, and claims dependent therefrom, are patentably distinct from the cited prior art. Accordingly, all of the pending claims are in condition for allowance. Allowance of the application with pending claims 1-37 is respectfully requested. Should any other matters require attention prior to allowance, it is requested that the Examiner contact the undersigned.

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The Commissioner is hereby authorized to charge any fees
which may be due in connection with this communication to
Deposit Account No. 23-1703.

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Respectfully submitted,



Richard J. Sterner
Reg. No. 35,372

Applicants' Agent
Customer Number 007470
(212) 819-8200

Agent's Direct Line:
(212) 819-8783